

DEPARTMENT OF SOCIAL SERVICES



744 P Street, Sacramento, CA 95814

December 11, 1987

ALL-COUNTY INFORMATION NOTICE NO. 1-113-87

TO: ALL COUNTY WELFARE DEPARTMENTS  
ALL COUNTY PROBATION DEPARTMENTS  
ALL COUNTY COUNSELS  
ALL PUBLIC AND PRIVATE ADOPTION AGENCIES  
ALL SDSS ADOPTION DISTRICT OFFICES

SUBJECT: 1987 CHAPTERED LEGISLATION RELATED TO THE  
CHILD WELFARE SERVICES AND ADOPTIONS PROGRAMS,  
AND CHILD ABUSE PREVENTION PROJECTS

The following information summarizes some issues related to the child welfare services (CWS) and adoptions programs, child abuse prevention projects, and other family services which were addressed in bills enacted into law during 1987 and which become effective January 1, 1988, unless otherwise noted.

This summary is for general informational purposes only. It is in addition to the more detailed description of specific programmatic issues and implementation steps that have been or will be addressed in other individual All-County Letters (ACLs) or All-County Information Notices (ACINs) regarding certain recently enacted child welfare services and adoptions legislation.

The new statutory provisions are summarized as follows:

AB 285 (Leonard), Chapter 640, Statutes of 1987

This legislation adds Penal Code (PC) Section 11174.3 to specify that a representative of a child protective agency (which is defined under existing law as including a Police or Sheriff's Department) may interview suspected victims of child abuse on school premises, during school hours, concerning reports of suspected child abuse that occurred within the home of the child. The new statute would afford the child who is to be interviewed the option of being interviewed in private or selecting an adult who is a member of the staff of that school to be present at the interview to lend him or her support.

This legislation does not require new Departmental regulations.

AB 380 (Waters), Chapter 920, Statutes of 1987.

This legislation amends the Child Abuse Training Act (Chapter 1368, Statutes of 1984). The Child Abuse Training Act requires that child abuse prevention educational workshops be conducted for all California public school staff and parents. This new legislation changed the procedures for conducting workshop sessions, particularly post-workshop sessions.

This legislation does not require new Departmental regulations.

AB 601 (Vasconcellos), Chapter 192, Statutes of 1987

This legislation provides that a man also is presumed to be a child's natural father if the child was born and resides in a nation with which the United States engages in an Orderly Departure Program or successor program and the man acknowledges that he is the child's father in a declaration under penalty of perjury, as specified. This amendment to Civil Code Section 7004 remains in effect only until January 1, 1997. The legislation has no affect on the Adoptions Program unless (1) once the child reaches California he/she is relinquished for adoption or, (2) the child becomes a dependent of a California court with a case plan goal of adoption.

This legislation does not require new Departmental regulations.

AB 1004 (Waters), Chapter 978, Statutes of 1987

This legislation amends Welfare and Institutions Code (WIC) Section 16119 to require that all adoption agencies (including the Department when it is functioning as an adoption agency) "...provide the prospective adoptive family with information, in writing, on the availability of Adoption Assistance Program (AAP) benefits, with an explanation of the difference between these benefits and foster care payments." This requirement only applies to families who apply to adopt a special needs child.

Departmental regulations will be drafted to implement this legislation.

AB 1049 (Bader), Chapter 353, Statutes of 1987

This legislation adds WIC Sections 830 and 10850.1 to authorize members of multidisciplinary personnel teams, engaged in the prevention, identification, and treatment of child abuse or the abuse of elder or dependent persons, to share information and

writings with one another that may also be a part of specified records. This sharing of information is authorized if the member of the team having knowledge of that information or writing reasonably believes it is generally relevant to the prevention, identification, or treatment of child abuse or the abuse of the suspected victim.

This legislation does not require new Departmental regulations.

AB 1106 (Leslie), Chapter 476, Statutes of 1987.

This legislation requires private adoption agencies that are licensed to provide intercountry adoption services to work only with domestic and foreign adoption agencies with whom they have written agreements that specify the responsibilities of each.

This legislation does not require new Departmental regulations.

AB 1107 (Leslie), Chapter 114, Statutes of 1987

This legislation adds Section 7017.2 to the Civil Code as an amendment to the Uniform Parentage Act which provides that an action to terminate the rights of a father under Civil Code Section 7017 shall be set for hearing not more than 45 days after the filing of the petition for the action and completion of service of notice or the entry of a court order dispensing with notice of the proceedings.

This legislation does not require new Departmental regulations.

AB 1454, (Mojonnier), Chapter 360, Statutes of 1987

The Federal Government changed the prerequisite for initiating the payment of AAP benefits from an interlocutory decree of adoption to placement for adoption.

This conforming legislation eliminates the interlocutory decree of adoption and allows AAP benefits to be paid beginning at the time the adoptive placement is made.

Departmental regulations will be drafted to implement this legislation.

AB 1519 (Seastrand), Chapter 167, Statutes of 1987

This legislation amends PC Section 11167.5 to authorize disclosure of reports of child abuse to hospital scan teams. "Hospital scan team" means a team of three or more persons established by one

hospital or more in the same County, consisting of health care professionals and representatives of law enforcement and child protective services. The new statute also authorizes disclosure among hospital scan teams located in the same County. Specific provisions of this statute will be addressed in a separate ACIN.

This legislation does not require new Departmental regulations.

AB 1822 (Wright), Chapter 265, Statutes of 1987

This legislation amends both the Health and Safety Code (HSC) Section 1373 and the Insurance Code Sections 10119, 10121 and 11512.1 to require health care service plans whose coverage provides accident/sickness coverage to family members or dependents of the subscriber to offer the coverage to each (1) newborn infant of the subscriber or enrollee from and after the moment of birth, or (2) minor child placed for adoption from and after the moment the child is placed in the physical custody of the subscriber or enrollee.

This legislation does not require new Departmental regulations.

AB 1937 (Quackenbush), Chapter 229, Statutes of 1987

This legislation requires a nonrelative petitioner for a guardianship to provide advance notification to the local agency that is responsible for the investigation of guardianships for the court. In addition, the amendments require that, in the case of other guardianships of the person of a minor, the notice be provided only to that local agency.

This legislation does not require new Departmental regulations.

AB 1951 (Filante), Chapter 1427, Statutes of 1987

This legislation adds HSC Section 199.27 to authorize testing of a person's blood for evidence of the antibodies to the causative agent of AIDS with written consent from the parents, guardian, conservator, or other person lawfully authorized to make health care decisions for the subject in instances when the subject of the test is not competent to give consent.

This statute specifies that for purposes of consent under this chapter, a minor is deemed not competent to give consent if he or she is under 12 years of age. Additionally, this statute authorizes the court to give consent to test a minor who is a dependent of the court, regardless of the minor's age. This statute also authorizes persons permitted to give consent for the AIDS test to receive the test results, to disclose test results on behalf of the subject, and to provide written authorization for the disclosure of the test results on behalf of the subject. Guidelines for implementing provisions of this bill will be addressed in an ACIN.

This legislation does not require new Departmental regulations.

AB 2547 (Harris), Chapter 940, Statutes of 1987

This legislation amends Civil Code Sections 224p and 224q by making technical changes to what constitutes a misdemeanor when other than a parent places his/her child for adoption in an independent adoption. The legislation also defines/clarifies "place for adoption" to mean an adoption in which neither the Department nor a licensed adoption agency is a party and in which the child's parent(s) selects the prospective adoptive parents based on personal knowledge. The terms "prospective adoptive parents" and "personal knowledge" are also defined to more clearly delineate what constitutes an independent adoption.

Departmental regulations will be drafted to implement this legislation.

SB 243 (Presley), Chapter 1485, Statutes of 1987

This legislation makes numerous significant changes to the juvenile court dependency procedures, including revising the grounds for declaring a child a dependent of the court. Additionally, juvenile court jurisdiction has been expanded so that all matters of custody involving a dependent of the court can be heard by the juvenile court. Also, procedures for termination of parental rights and the establishment of legal guardianship for dependent children by the juvenile court were added. Specific provisions of this statute will be addressed in a separate ACIN.

This legislation does not require new Departmental regulations.

SB 500 (Royce), Chapter 1351, Statutes of 1987

This legislation adds WIC Section 16515 to require Orange and San Diego Counties to operate a model project to provide respite care services for children in foster care with special needs in the area of physical and health handicaps. Additionally, the SDSS in conjunction with Orange and San Diego Counties is required to report on the effectiveness of the respite care pilot project by December 1, 1989. However, deletion of the appropriation to implement this measure raises questions about the Department's and Counties' ability to carry out legislative intent.

This legislation does not require new Departmental regulations.

SB 760 (Royce), Chapter 1022, Statutes of 1987

This legislation (1) amends Civil Code Section 221.5 to add a statutory definition of "adoption agency" to increase the Department's ability to regulate adoption agencies, and (2) adds the definition of "adoption agency" to HSC Section 1502 which contains the Department's criteria for what constitutes unlicensed community care facilities. This amendment provides the statutory authority for the Department to take enforcement action against unlicensed adoption agencies.

Departmental regulations may be drafted to implement specific portions of this legislation.

SB 834 (Presley), Chapter 1310, Statutes of 1987

This legislation adds Chapter 3 commencing with Section 16200 to the WIC Section 18962 and 18979 to require the establishment of a statewide multipurpose child welfare training program to meet the needs of County child protective social workers, mandated child abuse reporters, and other persons engaged in child abuse intervention programs. Additional provisions of this statute will be addressed in a separate ACIN.

This legislation does not require new Departmental regulations.

SB 1133 (Royce), Chapter 902, Statutes of 1987

This legislation amends Education Code Section 42923 to require the Superintendent of Public Instruction to be solely responsible for creating the Foster Youth Services Report to the Legislature and the Governor on the foster youth services provided by school districts. The Health and Welfare Agency will no longer be a part of this process.

This legislation does not require new Departmental regulations.

SB 1219 (Presley), Chapter 1459, Statutes of 1987

This legislation reorganizes the Child Abuse Reporting Law and deletes repetitive sections. More specifically, this statute, among other things, specifies certain acts that are included within the definition of the sexual abuse component of the definition of child abuse.

This statute also revises procedures regarding County Welfare Department responses to reports of child abuse and makes clarifying revisions in the child abuse reporting provisions, including consolidating definitions of various terms referenced in those provisions. This statute amends WIC Section 16501.1 to require that CWDs continue to respond to any reports of imminent danger to a child immediately. However, for all other reports, a response must occur within 10 days. Further, this statute provides CWDs the option of not making an in-person response if, based upon an assessment as specified, the CWD determines that an in-person response is not appropriate. Provisions of this statute will be addressed in a separate ACIN.

Departmental regulations will be drafted to implement this legislation.

SB 1360 (Royce), Chapter 1242, Statutes of 1987

This legislation adds Education Code Section 42925.1 to require the Legislative Analyst's Office (LAO) to contract for a study to compare and evaluate Foster Youth Services programs for the purpose of obtaining an independent assessment of the cost effectiveness of the Foster Youth Services programs offered in school districts. The LAO is required to report to the Legislature and the Governor detailing the results of the study by April 15, 1989. The Governor deleted the appropriation to implement this measure.

This legislation does not require new Departmental regulations.

SB 1409 (Bergeson), Chapter 1260, Statutes of 1987

This legislation amends HSC Section 1530.6 to require the State Department of Social Services (SDSS), with the advice and assistance of representatives of the Counties and day treatment providers to establish regulations, including program standards for

day treatment facilities by January 1, 1989. This statute also adds WIC Section 16508.2 to require SDSS to establish a task force consisting of representatives of the Department of Finance (DOF), the County Welfare Directors Association (CWDA), the California Association of Services for Children, the National Association of Social Workers, the California Association of Children's Homes, and the California Children's Lobby. This statute further requires that the task force assist the SDSS with the development of day treatment standards as required by HSC Section 1502. The SDSS is required to report to the Legislature on the day treatment program by April 1, 1988. Specific provisions of this statute will be addressed in a subsequent ACL.

This legislation does not require new Departmental regulations.

SB 1559 (Rosenthal), Chapter 1135, Statutes of 1987

This legislation repeals WIC Section 14054 which requires CWDs to submit a quarterly statistical report to the Health and Welfare Agency including specific family planning related information regarding former, current and potential recipients of public social welfare. Currently such reports (SOC 240) are sent to the Department of Health Services, Office of Family Planning. Effective January 1, 1988, CWDs will no longer be required to submit a quarterly report on family planning services.

This legislation does not require new Departmental regulations.

Copies of the above-described chaptered bills may be obtained from the California Legislative Bill Room, State Capitol Building, Room 332, Sacramento, California 95814. If you have any questions regarding the topics addressed in these statutes as they relate to delivery of child welfare services, please contact Mr. Ritch Hemstreet, Chief, Family and Children's Services Policy Bureau at (916) 322-6333. If you have any questions regarding adoption-related legislation, please contact Ms. Pat Aguilar, Acting Chief, Adoptions Policy Bureau, at (916) 322-4228 or at ATSS 492-4228.



LOREN D. SUTER  
Deputy Director  
Adult and Family Services

cc: CWDA